

**REMARKS**

**Status of the Claims**

Claims 1, 9 and 16-19 are pending in this application. Claims 2-8 and 10-15 have been canceled and claim 19 has been added. Claim 19 is substantially similar to canceled claim 8, but has been modified to correct the formula and process to overcome rejections. No new matter has been added by the new claim 19. Claims 1, 9, 16 and 17 have been amended to correct formula (I) to place a double bond between the nitrogen and carbon atoms with the amino phenyl group. Claims 1, 9, 16 and 17 have been amended to delete C<sub>1-4</sub> alkoxy from R<sup>2</sup> and R<sup>3</sup> when X and Y together form a double bond. Also, R is defined as -(CH<sup>2</sup>)<sub>n</sub>-R<sup>1</sup>.

**Maintained Rejections under 35 USC 112, second paragraph**

Applicants formally cancel claims 2-7 and 10-15. As such, the rejections maintained in paragraph 5 of the Office Action are moot and should be withdrawn.

**Rejections under 35 USC 112, first paragraph**

The Examiner rejects claims 1, 8, 9, 16 and 17 as indefinite in paragraph 6 of the Office Action.

(a) The Examiner rejects Formula I because there is no support for a single bond between the N and C that is linked to the 4-aminophenyl. Applicants amend Formula (I) to correct a

typographical error that omitted the double bond. The claims now recite the proper Formula (I).

(b) The Examiner does not find support for the definition of  $\text{NR}^2\text{R}^3$  when X and Y form a double bond where  $\text{R}^2$  and  $\text{R}^3$  are  $\text{C}_{1-4}$  alkoxy. Applicants amend the claims to delete  $\text{C}_{1-4}$  alkoxy as the definition of  $\text{R}^2$  and  $\text{R}^3$  when X and Y form together a double bond.

(c) The Examiner also objects to  $\text{R}^2$  and  $\text{R}^3$  where  $\text{R}^2$  and  $\text{R}^3$  are  $\text{C}_{1-4}$  alkyl that is optionally substituted with a 5 or 6 membered ring, which is also optionally substituted with an oxo group substituent. Applicants submit that this definition of  $\text{R}^2$  and  $\text{R}^3$  is supported by the compound name 1-[2-(5-(4-aminophenyl)-8-methyl-7H-1,3-dioxolo-(4,5-h)(2,3)-benzodiazepine-7-yl)-2-oxoethyl]pyrrolidine-2-one. The named compound contains an alkyl group in the place of  $\text{R}^2$  substituted with a 5-6 membered heterocyclic group having an oxo substituent. As such, Applicants submit that the oxo group on the heterocyclic ring is not new matter.

**Rejections under 35 USC 112, second paragraph**

The Examiner rejects claims 1-14 and 16-18 as indefinite in paragraph 7 of the Office Action. Applicants traverse the rejection and respectfully request the withdrawal thereof.

(a) Applicants amend the definition for R so that R is a monovalent moiety. R is amended to recite  $-(\text{CH}_2)_n\text{R}^1$ .

(b) Applicants correct the typographical error.

(c) Applicants cancel claims 2-7 and 10-14.

(d-u) Applicants cancel claim 8 and insert claim 19 to correct the formula (I) and insert the process for making the compounds of formula (I) as currently recited in claim 1. As such, all rejections to claim 8 should be withdrawn as moot. Furthermore, claim 19 is a modification of canceled claim 8 to overcome the rejections relating to claim 8. As such, Applicants respectfully request that the indefiniteness rejections be withdrawn.

**Rejection under 35 USC 101**

The Examiner rejects claims 1-14 and 16-18 in paragraph 8 of the Office Action as having no specific utility defined in the specification, particularly for Formula I. Applicants amend claims 1, 9, 16 and 17 to correct the typographical error in formula (I) to place a double bond between the nitrogen and carbon atoms with the substituted phenyl group. As such, the rejection should be withdrawn.

Conclusion

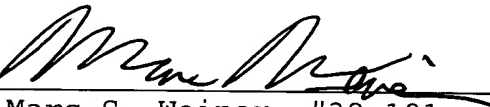
As Applicants have addressed and overcome all rejections in the Office Action, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Marc S. Weiner, #32,181

MSW/KJR/jeb  
1060-0136P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s)